

Applicant : Alan R. Tall  
Serial No.: 09/560,372  
Filed : April 28, 2000  
Page 3

**In the Claims**

Please amend the claims under the provisions of 37 C.F.R. § 1.121(c), as revised by 68 Fed. Reg. 38611 (June 30, 2003), as follows:

1. (Currently Amended) An isolated human *ABC1* promoter that directs transcription of a heterologous coding sequence positioned downstream therefrom, wherein the promoter is selected from the group consisting of:
  - (a) a promoter comprising nucleotides having the nucleotide sequence shown in SEQ ID NO: 1;
  - (b) a promoter comprising nucleotides having the nucleotide sequence beginning at bp ~~-469~~ and ending at bp ~~+101~~ 624 and ending at bp 1197 of SEQ ID NO: 1; and
  - (c) a promoter comprising nucleotides having the nucleotide sequence beginning at bp ~~-101~~ and ending at bp ~~-32~~ 1005 and ending at bp 1059 of SEQ ID NO: 1.
2. (Original) The promoter of claim 1, wherein the promoter comprises the nucleotide sequence shown in SEQ ID NO: 1.
3. and 4. (canceled)
5. (Original) A recombinant expression construct effective in directing the transcription of a selected coding sequence which comprises:
  - (a) a human *ABC1* promoter nucleotide sequence according to claim 1; and

Applicant : Alan R. Tall  
Serial No.: 09/560,372  
Filed : April 28, 2000  
Page 4

- (b) a coding sequence operably linked to the promoter, whereby the coding sequence can be transcribed and translated in a host cell, and the promoter is heterologous to the coding sequence.
6. (Original) The recombinant expression construct of claim 5, wherein the coding sequence encodes a transporter polypeptide.
7. (Original) The recombinant expression construct of claim 6, wherein the transported polypeptide is ABCA1 transmembrane transporter protein.
8. (Previously Presented) The recombinant expression construct of claim 6, further comprising a nucleic acid segment encoding a transactivator protein that upregulates the ABC1 promoter.
9. (Original) The recombinant expression construct of claim 8, wherein the transactivator protein is the Liver-X-Receptor, the Retinoid-X-Receptor, or a heterodimer of the Liver-X-Receptor and the Retinoid-X-Receptor.
10. (Previously Presented) A host cell in cell culture comprising the recombinant expression construct of claim 5.
11. (Previously Presented) The host cell of claim 10, wherein the host cell is stably transformed with the recombinant expression construct.
12. (Original) The host cell of claim 10, wherein the host cell is a macrophage.

Applicant : Alan R. Tall  
Serial No.: 09/560,372  
Filed : April 28, 2000  
Page 5

13. (Original) The host cell of claim 10, wherein the host cell is an immortalized cell.
14. (Original) The host cell of claim 10, wherein the cell is selected from the group consisting of RĀW cells, African green monkey CV-1 cells and human 293 cells.
15. (Currently Amended) A method for expressing a foreign DNA in a host cell in cell culture comprising: introducing into the host cell in cell culture a gene transfer vector comprising the ABC1 promoter according to claim 1 operably linked to the foreign DNA encoding a desired polypeptide or RNA, wherein said foreign DNA is expressed.
16. (Previously Presented) The method of claim 15, wherein the promoter nucleotide sequence is identical to the sequence set forth in SEQ ID NO: 1.
17. (canceled)
18. (Original) The method of claim 15, wherein the gene transfer vector encodes and expresses a reporter molecule.
19. (Original) The method of claim 18, wherein the reporter molecule is selected from the group consisting of beta-galactosidase, beta-glucuronidase, luciferase, chloramphenicol acetyltransferase, neomycin phosphotransferase, and guanine xanthine phosphoribosyltransferase.
20. (Previously Presented) The method of claim 15, wherein the introducing is carried out by adenovirus infection, liposome-mediated transfer, topical application to the cell, or microinjection.

Applicant : Alan R. Tall  
Serial No.: 09/560,372  
Filed : April 28, 2000  
Page 6

21. (Original) The method of claim 15, further comprising introducing into the cell a gene transfer vector comprising a nucleic acid segment encoding a transactivator protein capable of upregulating the ABC1 promoter.
22. (Original) The method of claim 21, wherein the transactivator protein is the Liver-X-Receptor, the Retinoid-X-Receptor, or a heterodimer of the Liver-X-Receptor and the Retinoid-X-Receptor.
23. (Original) The method of claim 15, further comprising contacting the cell with a transactivator protein capable of upregulating the ABC1 promoter
24. (Original) The method of claim 23, wherein the transactivator protein is the Liver-X-Receptor, the Retinoid-X-Receptor, or a heterodimer of the Liver-X-Receptor and the Retinoid-X-Receptor.
25. (Original) The method of claim 24, further comprising contacting the cell with an agonist of the Liver-X-Receptor, of the Retinoid-X-Receptor, or of a heterodimer of the Liver-X-Receptor and the Retinoid-X-Receptor.
- 26-49. (canceled)
50. (Currently Amended) The isolated promoter of claim 1, wherein the promoter comprises nucleotides having the nucleotide sequence beginning at bp ~~-101 and ending at bp -32~~ 1005 and ending at bp 1059 of SEQ ID NO: 1.

Applicant : Alan R. Tall  
Serial No.: 09/560,372  
Filed : April 28, 2000  
Page 7

51. (Previously Presented) A recombinant expression construct which comprises the nucleic acid according to claim 50.